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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/071,021    05/01/98    BRUNO    R    20-21-26-22- *Ch*

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EXAMINER

LOGSDON, J

ART UNIT

PAPER NUMBER

2738

*2*

DATE MAILED:

08/30/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/071,021

Applicant(s)

BRUNO ET AL.

Examiner

Joe Logsdon

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

### **Claim Objections:**

1. Claims 2 and 14-16 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 2 fails to further limit claim 1 because the step in claim 1 of “determining the availability of an agent” presupposes that the availability of an agent is updated when necessary. The reason for this is that the only method described in the specification for determining the availability of an agent involves use of an updated availability list. Therefore, the limitation in claim 2, i.e., that the availability entry for the agent is updated, fails to further limit claim 1.

Claims 14-16 fail to further limit claim 11 because a limitation of claim 14 contradicts a limitation of claim 11, and claims 15 and 16 depend on claim 14. Although a system comprising two agents also comprises an agent, the limitation “a processor coupled to the agent” stated in line 4 of claim 11 makes it clear that the system described in claim 11 is restricted to a single agent. Because the system described in claim 14 is restricted to multiple agents, the claims contradict each other.

### **Claim Rejections – 35 U.S.C. 102(e):**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1, 4, 11, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Skoog. Skoog discloses a device (called a signaling gateway) that uses a common channel signaling protocol, such as SS7, to allow "non-traditional signaling endpoints" to control the networks they are accessing. "Non-traditional endpoints" are those networks or devices that traditionally do not receive signaling information. This control is accomplished by using the signaling information received from the signaling gateway and the signaling sent to the signaling gateway to select desired resources belonging to the accessed network. As described in Skoog (see, e.g., column 10, line 66 to column 11, line 20), the signaling gateway allows a non-traditional endpoint to request a particular service or network connection element by providing the non-traditional endpoint with information about the network.

The invention of Skoog satisfies all the limitations of claim 11. The device disclosed by Skoog comprises a unit that serves as an interface for two different signaling protocols, where one such protocol is used by one user and the other is used by another user; a unit that serves as an interface between two links with different speeds, where the first link is used by one user, and the second link is used by the other user; and a unit that controls the exchange of information between the other two units. According to claim 11, the system is able to receive calls from disparate telecommunications networks and must thus comprise at least one unit that can translate the information between the networks. This limitation of claim 11 is therefore satisfied by Skoog.

The “processor” referred to in claim 11 is the Agent Availability NCP disclosed in the specification. The Agent Availability NCP serves the same function as the signaling gateway disclosed in Skoog. As mentioned above, the signaling gateway allows networks and devices that do not normally get signaling information to get such signaling information when they try to access a network element (referred to as an “agent” in the application). A network or device can use this signaling information to obtain information about the availability of network elements (i.e., agents) of interest. The invention disclosed in Skoog therefore satisfies all the limitations in claim 11. Claim 11 is therefore rejected.

The invention in Skoog also satisfies all the limitations of claim 14. According to claim 14, the Agent Availability NCP responds to queries with not only the availability of an agent, but also with routing instructions. Figure 1 of Skoog shows a signal control point (SCP) 22, which can provide address translation and routing information to STP 18 (see, e.g., column 8, lines 35-40). This signaling information can then be sent to the signaling gateway device, which uses the information to set up the connection between the two networks (see, e.g., column 9, line 54 to column 10, line 32). The signaling gateway device then communicates this information to the requesting network (called an “access element” in Skoog). Thus, all limitations of claim 14 are satisfied by Skoog, and claim 14 is therefore rejected.

Skoog satisfies all the limitations of claims 1 and 4. Claims 1 and 4 concern the method of use of the system claimed in claims 11 and 14, respectively. Skoog discloses the same method of use for the same system. Thus, claims 1 and 4 are also rejected.

**Claim Rejections—U.S.C. 103(a):**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2, 3, 5-10, 12, 13, and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skoog.

Claim 12 is obvious over Skoog. Claim 12 depends on claim 11, which is anticipated by Skoog, as noted above. Claim 12 adds the further limitation that the processor (referred to in the specification as the “Agent Availability NCP”) includes a memory that stores the availability information for each agent. The signaling gateway device, as discussed above, disclosed in Skoog further comprises a signaling gateway control unit (SGCU) that a user of a non-traditional signaling endpoint can use to access a desired service or network connection of another network.

The signaling gateway device may provide information on availability of a destination address to the requesting user (see, e.g., column 10, lines 43-51). The difference between Skoog and claim 12 is that Skoog does not require that the SGCU contain a memory that stores availability information. All that would be required for the invention of Skoog to satisfy the limitation listed in claim 12 is that the SGCU contain a memory that stores availability information. The SGCU may or may not contain a memory that stores availability information, but the advantages of such an arrangement would have been obvious to one of ordinary skill in the art. A memory that is updated every time the availability of agents changes would be advantageous because updated information would be provided more quickly to network users, and less signaling traffic between the SGCU and the controlled network would be required. Claim 12 is therefore rejected as being obvious over Skoog.

Claim 13 is obvious over Skoog. Claim 13 depends on claim 12. The limitation that claim 13 adds to claim 12 is the same as the limitation in claim 9 of Skoog, i.e., that the signaling gateway (or Agent Availability NCP) uses SS7 signaling. As discussed above, claim 12 is obvious over Skoog. Therefore, since Skoog teaches the additional limitation of claim 13, claim 13 is rejected as being obvious over Skoog.

Claim 15 is obvious over Skoog. As disclosed in Skoog the SCP (referred to as "NCP" in the application) performs the function that is revealed in claim 15, i.e., the SCP determines a route based upon any number of possible criteria, some of which are listed in claim 15. The difference between Skoog and claim 15 is that in Skoog the SCP is not required to be part of the signaling gateway. Thus, the invention of Skoog would satisfy the limitations of claim 15 if the SCP were a part of the signaling gateway and any of the listed criteria were used to determine the

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route. It would have been obvious to one of ordinary skill in the art that the SCP can be included as part of the signaling gateway device. One of ordinary skill in the art would have recognized that this arrangement would be advantageous because the SCP could more easily deliver such information to the SGCU, which would then forward information to the requesting user (see, e.g., column 8, line 64 to column 9, line 23). It would also have been obvious to one of ordinary skill in the art that the listed criteria could be used to determine the route and that such criteria would offer the advantage that they enhance the quality of service and enable resources to be allocated efficiently. Claim 15 is therefore rejected.

Claim 16 is obvious over Skoog. The limitation of claim 16 concerns the specific criteria used to select the destination. The specific criteria listed in claim 16 are not specified in Skoog. Skoog would satisfy the limitation listed in claim 16 if Skoog listed the same possible criteria as those listed in claim 16. It would have been obvious to one of ordinary skill in the art that the criteria listed in claim 16 are beneficial because they enhance the quality of service and enable resources to be allocated efficiently. Claim 16 is therefore rejected.

Claims 17-20 are obvious over Skoog. The limitations of claims 17-20 are not specifically listed in Skoog; if they were listed in Skoog, the invention of Skoog would satisfy all the limitations in claims 17-20. It would have been obvious to one of ordinary skill in the art that the types of networks listed as the claim limitations could be used because the specification in Skoog does not exclude them as possibilities. Using one of these network types would be advantageous because many networks of these types already exist, and it would be desirable to provide these networks with the benefits of the invention of Skoog. Claims 17-20 are therefore rejected.



Claims 2, 3, and 5-10 are obvious over Skoog. Claims 2, 3, and 5-10 concern the method of use claimed in the application of the system claimed in claims 12, 13, and 15-20, respectively. As discussed above, claims 12, 13, and 15-20 are obvious over Skoog. Skoog discloses the method of use of the invention disclosed in Skoog. Thus, claims 2, 3, and 5-10 are also rejected.

### **Claim Rejections—35 U.S.C. 112, Second Paragraph:**

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1, 8, 9, 18, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear whether the claim described in claim 1 is restricted to the case in which only one agent exists. If claim 1 is so restricted, then claim 4, which depends on claim 1, must be rejected because it contradicts claim 1, i.e., whereas in claim 1 only one agent exists, in claim 4 multiple agents exist. Otherwise, claim 4 must be objected to as adding no further limitation to claim 1. This is true because the final step of claim 1, i.e., “connecting the call to the agent,” can only be accomplished if all the steps listed in claim 4 are accomplished.

Where there are multiple NCP architecture networks, it is unclear from claims 8, 9, 18, and 19 whether all or only one of the NCP architecture networks is of the specified type, i.e., circuit switched for claims 8 and 18, and ATM for claims 9 and 19.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Patent Number	Issue Date	Name	Class/Subclass	Filing Date
6084956	7/4/00	Turner et al.	379/230	9/19/97
6092178	7/18/00	Jindal et al.	712/27	9/3/98

### Conclusion

10. Any inquiry concerning his communication or earlier communications from the examiner should be directed to Joseph Logsdon whose telephone number is (703) 305-2419. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (703) 305-4744.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

11. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

(703) 308-6743

For informal or draft communications, please label "PROPOSED" or "DRAFT".

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).

Joe Logsdon

Patent Examiner

August 4, 2000



HASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
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